

tests in public competition for prizes and awards and admission fees; prescribing penalties and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. All personal, physical and mental endurance contests in public competition for prizes, awards or admission fees shall not continue longer than twenty-four (24) hours in any one continuous competitive period of endurance. All contestants having engaged in any endurance contest continuously for a period of twenty-four (24) hours shall be required to cease from such contest for a period of twenty-four (24) hours before recommencing the same or any other period of personal, physical and mental endurance in public competition for prizes or awards or admission fees.

Sec. 2. Each promoter of any personal, physical, mental endurance contests in public competition for prizes, awards or admission fees who shall violate any provision of this Act or any person who shall enter such contest shall be fined not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars for each offense, or confined in the County Jail not less than thirty (30) days nor more than ninety (90) days, or by both such fine and imprisonment.

Sec. 3. The provisions of this Act shall not apply to any athletic contests of schools, colleges, and universities of the State nor to any trial contests for the purpose of testing the strength and capacity of materials and machinery of any kind.

Sec. 4. The fact that certain citizens of this State have been taking part in what is known as marathon dances and engaging therein until weak, blind and delirious, thereby doing permanent damage to such contestants, and the crowded condition of the calendar, creates an emergency and an imperative public necessity that the Constitutional Rule requiring Bills to be read on three several days in each House be suspended and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

SIXTY-SEVENTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
May 8, 1931.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 619.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Small:

S. B. No. 619, A bill to be entitled "An Act to amend H. B. No. 59, Acts of the Regular Session of the Forty-second Legislature; and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and S. B. 619 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Greer.
Berkeley.	Hardin.
Cousins.	Holbrook.
Cunningham.	Hopkins.
DeBerry.	Hornsby.
Gainer.	Loy.

Martin.	Rawlings.
Moore.	Russek.
Neal.	Small.
Oneal.	Stevenson.
Parr.	Thomason.
Parrish.	Williamson.
Patton.	Woodruff.
Poage.	Woodul.
Purl.	Woodward.

Absent—Excused.

Pollard.

Bills Introduced.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of general bills during the last 90 days of the session was suspended and consent was granted to introduce the following bills:

By Senator DeBerry:

S. B. No. 620, A bill to be entitled "An Act to amend Article 331 of the Revised Civil Statutes of 1925; and declaring an emergency."

Read and referred to the Committee on State Affairs.

By Senator Beck:

S. B. No. 621, A bill to be entitled "An Act making an emergency appropriation out of the general revenue of the State for the purposes named herein, for the balance of the fiscal year ending August 31, 1931, and declaring an emergency."

Read and referred to the Committee on Finance.

On S. B. No. 621, the rule was suspended by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

By Senator Small:

S. B. No. 622, A bill to be entitled "An Act authorizing any corporation heretofore organized and incorporated under Article 1495 and Article 1496 of the Revised Civil Statutes of 1925, or any prior law, or any corporation that may hereafter be organized under said articles, and owning or operating oil pipe line or lines in this State, to lease or attach to their line or lines other pipe line or lines, by lease or purchase, and to join with any other corporation authorized to own and/or operate an oil pipe line or lines, person or association in constructing, leasing, owning, using, operating or maintaining pipe line or lines, upon such terms as may be agreed upon between the directors or managers of the respective corporations, and to own and hold any interest in such line or lines, or to become lessees or lessors thereof, on such terms as the respective corporations, persons or associations may agree to; and providing that nothing herein shall be construed as authorizing any such corporation or person to violate any provision of the Anti-Trust Laws of this State; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senator Excused.

On motion of Senator Neal, Senator Pollard was excused for the day on account of important business.

Messages from the House.

Hall of the House of Representatives,
Austin, Texas, May 8, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 172, A bill to be entitled "An Act to reorganize the 4th Judicial District of Texas to be constituted of Rusk County, Texas, only and to provide for the terms thereof; and to create the 123rd Judicial District of Texas to be composed of the counties of Panola and Shelby and to provide for the terms thereof; and to provide that the judge and clerk of said 4th Judicial District shall continue to serve in said district and the period thereof; and to provide that the county attorney

of Rusk County, Texas, shall perform the duties of county and district attorney of said 4th Judicial District and to provide his compensation therefor, and to provide for the appointment of a judge of the 123rd Judicial District and the length of his service as such; and to provide for his compensation therefor, etc., and declaring an emergency."

S. B. No. 393, A bill to be entitled "An Act providing that the policyholders of insurance companies, which are home companies as defined by the laws of Texas, may purchase and own the capital stock of such companies; and convert such companies into mutual insurance companies to be controlled by their policyholders and requiring the approval of the plan for such conversion by the chairman of the State Board of Insurance Commissioners and directors and stockholders as well as the policyholders of such companies, and declaring an emergency."

(With Amendments).

S. B. No. 539, A bill to be entitled "An Act to create Road District No. 12 of Fayette County, Texas; conferring powers, privileges and duties generally conferred upon such districts; authorizing the holding of elections to vote and issue bonds, levy and collect taxes, for the purpose of construction and maintenance of macadamized, gravel or paved roads and/or turnpikes, or in aid thereof; authorizing said district to have all powers, authority and privileges conferred by law on such districts especially under Chapter 16, of the General Laws of the Thirty-ninth Legislature, First Called Session; and declaring an emergency."

(With Amendments).

The House has adopted the following resolution:

S. C. R. No. 46, Providing for a joint session of the House and Senate at 8 o'clock P. M. May 12, 1931, to hear the Honorable Jouett Shouse and inviting the National Democratic Chairman and Chairwoman, Hon. Jed Adams of Dallas, and Hon. Clara Driscoll Sevier of Austin, and the Chairman of the State Democratic Committee of Texas, Hon. W. O. Huggins, of Houston, to be present.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 8, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolutions:

H. C. R. No. 58, Providing for the appointment of a committee to make a thorough investigation of all departments and institutions of the State Government.

H. C. R. No. 60, Providing for a joint session of the House and Senate at 8 P. M. May 15, 1931, for the purpose of allowing his Excellency, the Honorable Ross Sterling, Governor of Texas, to receive a bust of the Honorable George Washington, presented through the Bicentennial Commission.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 943.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 943, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring, killing or possessing of any wild quail of any species or any wild turkey, or either of them, within the limits of the counties of Atascosa and Frio, State of Texas, for a period of five years from and after the passage of this act, etc., and declaring an emergency."

The committee report was adopted.

Read second time.

Senator Stevenson sent up the following amendments:

AMENDMENT NO. 1.

Amend H. B. No. 943 by striking out the words "or any wild turkey or either of them" in Section one, and by striking out the words "and wild turkey" in Section 3 and amend caption to conform.

STEVENSON.

Read and adopted.

AMENDMENT NO. 2.

Amend H. B. No. 943 by striking out the word "five" and inserting the word "three" wherever it occurs and amend the caption to conform.

STEVENSON.

Read and adopted.

AMENDMENT NO. 3.

Amend H. B. No. 943 by striking out the words "and Frio" wherever they occur and changing the word "counties" to "county" wherever it occurs and amend the caption to conform.

STEVENSON.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days was suspended and H. B. 943 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Read third time and finally passed.

House Bill No. 717.

* The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 717, A bill to be entitled "An Act to regulate the method of taking or catching fish in the public fresh waters in Morris and Titus counties, State of Texas; providing penalties for violation, repealing all laws in conflict herewith, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 717 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Read third time and finally passed

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

House Bill No. 986.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 986, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county, and work in connection with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Thomason

the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 986 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Read third time and passed by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Free Conference Requested.

On motion of Senator Hardin, the Senate refused to concur in House amendment to S. B. No. 375 and asked for the appointment of a Free Conference Committee.

House Bill No. 39.

On motion of Senate Poage, the vote by which H. B. No. 39 was finally passed was reconsidered.

Senator Poage sent up the following amendment:

Amend H. B. No. 39 by inserting after the enacting clause and just before section one thereof the following provision:

"That Senate Bill No. 105, Chapter 29 of the Acts of the First Called Session of the 41st Legislature be so amended as so hereafter read as follows:

POAGE.

Read and adopted unanimously.

The bill was finally passed by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

House Bill No. 845.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 845, A bill to be entitled "An Act providing for the employment of a rural school supervisor in counties having a population of not less than 53,900 and not more than 54,000; providing for their duties, salaries, expenses, and qualifications; providing that counties accepting the benefits of this act shall not be required to hold teachers' institutes, but providing that the county superintendent may call meetings of the teachers within his jurisdiction, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 845 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Read third time and finally passed
by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Free Conference Requested.

On motion of Senator Parr, the Senate refused to concur in House amendments to S. B. No. 72 and asked for the appointment of a Free Conference Committee.

The Chair appointed the following on the part of the Senate: Senators Parr, Woodul, Russek, Hopkins, and Gainer.

Senate Bill No. 499.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Woodul:

S. B. No. 499, A bill to be entitled
"An Act to amend Article 1840 by

adding thereto another section, to be known as Article 1840-A, providing that when an appeal has been taken and the bond or recognizance is defective, the Appellate Court may allow the appellant to amend such bond or recognizance by filing a new bond; providing the time, means and manner thereof, and declaring an emergency."

Read third time and finally passed
by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Motion to Arrange Memorial Services.

On motion of Senator Purl, the Senate voted to arrange a memorial service in honor of the late Col. A. T. McKinney.

Motions to Concur.

On motion of Senator Stevenson, the Senate concurred in the House amendment to S. B. No. 393.

On motion of Senator Russek, the Senate concurred in House amendments to S. B. No. 595 by the following vote:

Yeas—30.

Beck.	Loy.
Berkeley.	Martin.
Cousins.	Moore.
Cunningham.	Neal.
DeBerry.	Oneal.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.

Russek.	Williamson.
Small.	Woodruff.
Stevenson.	Woodul.
Thomason.	Woodward.

Absent—Excused.

Pollard.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolution:

S. B. No. 172. H. B. No. 332.
H. J. R. No. 26.

Senate Bill No. 521.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Williamson:

S. B. No. 521, A bill to be entitled "An Act giving to Fred A. West consent of the Legislature to sue the State of Texas and State Highway Commission for damages resulting from wreck of his automobile on Highway No. 36 through Bell County, Texas, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Williamson, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 521 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

House Bill No. 312.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 312, A bill to be entitled "An Act requiring the commissioners' court of all counties and the governing bodies of all cities and towns to advertise for bids on projects respecting public improvements where the contract or agreement involves an expenditure of money in excess of one thousand dollars, and providing for advertisement and notice thereof, providing that the contract shall be let to the lowest bidder and requiring bond; permitting certain exceptions and providing that contracts made without compliance therewith shall be void, etc., and declaring an emergency."

Read second time.

Committee Amendments Nos. 1, 2, 3 and 5 were adopted.

Senator Woodul sent up the following substitute for Committee Amendment No. 4:

Amend H. B. No. 312 by adding at the end of Section No. 1 the following: "Nothing in this Act shall be construed as to affect any bonds or warrants legally issued or authorized to be issued and for which a tax has been levied for the payment of interest and principal thereof, prior to the time when this Act shall become effective and under the laws existing at that time, nor as affecting the

matters covered by H. B. No. 981, Acts of the 42nd Legislature, Regular Session, provided that after June 1, 1932, the requirements of this Act with respect to notice, competitive bidding, and a referendum election shall also be complied with by all cities then acting under the provisions of said H. B. No. 981."

WOODWARD.

Read and adopted.

Senator Woodward sent up the following amendment:

Amend H. B. No. 312, page 5, line 41, by adding at the end of Section 8 the following new Section 8a, to-wit:

Sec. 8a. Provided any city or town which has theretofore issued bonds, warrants, certificates, or other securities payable from revenues and income of any utility or utilities owned by such city or town may fund, refund, or extend such bonds, warrants, certificates or other securities, without the necessity of complying with the referendum provisions hereof, provided such refunding does not increase the amount of such indebtedness, taking into consideration interest adjustments; Provided, however, that no such bonds, warrants, certificates, or other securities payable from revenues, or from the income of any utility, which may be funded, refunded or extended by a city or town, shall ever be made a charge upon moneys raised or to be raised by taxation."

WOODWARD.

The amendment was read.

Senator Cunningham sent up the following amendment to the amendment:

Amend amendment by striking therefrom the words: "Provided such refunding does not increase the amount of such indebtedness."

CUNNINGHAM.

The amendment to the amendment was read.

Senator Woodward received unanimous consent to postpone further consideration of this bill until immediately following the disposition of H. B. No. 239.

House Bill No. 239.

The Chair laid before the Senate as pending business the following bill:

By Messrs. Greathouse, Duval, Beck, Holder, McCombs, Patterson, Kel-lar, Combes, Savage, Mrs. Hughes:

H. B. No. 239, A bill to be entitled "An Act to create and establish Trinity River Canal and Conservancy District under authority of Section 59 of Article 16 of the Constitution of Texas, to be a governmental agency, a body politic, municipal and corporate; also stating the intent and expressions as used in this Act, etc., and declaring an emergency."

Read second time.

H. C. R. No. 59.

The Chair laid before the Senate:

H. C. R. No. 59, Authorizing the amendment of the caption of H. B. No. 470.

Read and adopted.

Recess.

On motion of Senator Hardin, the Senate, at 12:07 o'clock p. m., recessed until 1 o'clock p. m.

After Recess.

The Senate met at 1 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Debate.

The Chair introduced Senator Hardin who introduced Mr. L. C. Proctor, Superintendent of the Temple public schools and President of the Temple Junior College.

Mr. Proctor introduced the boys' and girls' debating teams of Temple Junior College as follows: Lee Thomas, Lamar Zivley, Iladene Madely, and Nan Stephens.

Mr. Proctor presided during the debate of the question: "Resolved, That the Nations Adopt a Policy of Free Trade."

At the conclusion of the debate, Senator Purl received unanimous consent to have the main speeches of the debate printed in the Senate Journal as follows:

FIRST AFFIRMATIVE.

Lamar Zivley.

Mr. Chairman, Hon. Judges, Ladies and Gentlemen:

The question for debate is: "Resolved, That the Nations Adopt a Policy of Free Trade."

By free trade is meant, according

to interpretations as given by the leading governments and Webster's Dictionary—trade free from governmental restrictions, burdens or difference in treatment intended to change its natural course. By protective tariff is meant a governmental tax imposed to protect certain industries within the country.

Another point which we call to your attention is that if free trade is adopted, it would come about gradually and wisely, according to plans, but that the method or plan of placing free trade into operation is not in any wise an issue in this debate.

Let us see, clearly, then, just what is the issue in this debate. The vital points of the question and the only issue is made clear in the resolution—Shall the nations of the world adopt free trade?

In order to establish the affirmative case conclusively, we shall base our entire argument on this one issue by presenting authoritative evidence and facts which prove that free trade is the best policy for the nations to adopt.

I shall make a careful analysis of free trade in order to clearly establish its superiority. My colleague will complete the affirmative case by taking the free trade policy and comparing it step by step with the protective tariff, in order to establish, beyond doubt, that free trade should be adopted by the nations.

In an analysis of free trade, the first point or question which naturally comes to mind is—Is free trade sound in principle? I shall analyze its principles in the beginning. These principles are taken from economic principles laid down by practically every economist of both the United States and Great Britain.

The natural balance of exports and imports is one of the fundamental principles of all trade. This, the free policy develops. The proof is if internationally buying and selling be analyzed carefully, we find that the individual transactions are in sum the means by which economic goods, that is, commodities and services produced in one country are exchanged for economic goods produced in other countries. It is clear to anyone who follows the entire process that what really happens is a payment for imports by exports. Our international trade in the last analysis is simply the exchange of

the products of American labor, for instance, for the products of the labor of other countries. We do not mean, of course, that no departure from this balancing of imports and exports is impossible. Temporary fluctuations occur but behind these fluctuations is the fundamental fact of the balance of exports and imports including all items in international dealings. We submit that since the natural balance of exports and imports is sound, the first fundamental principle of free trade is hereby established.

Next, the fundamental principle of free trade of developing foreign markets is sound and is necessary for the prosperity of the nations.

The proof is: It is an accepted fact that trade, whether national or international depends upon exchanging the product of one man's genius and industry for that of another. Statistics of 1930 further confirms this accepted fact by showing the need of foreign markets for different products of practically every nation; that the unemployment problem facing all the nations is due largely to lack of foreign markets. We desire to call your attention to the greatest unemployment the United States has ever experienced and you will note, under the highest protective trade policy we have ever had. Again, indisputable proof is that the United States is building up argument for this principle at the rate of increase of foreign trade of \$1,500,000,000 per year, if the foreign markets are available. We submit that the soundness of this principle, the development of foreign markets, further establishes the affirmative free trade should be adopted by the nations.

The third principle of free trade is that the cheapest and best markets for raw material should be available for all nations. Cheaper raw materials make commodities cheaper and more reasonable for the great mass of people. For the benefit of the people of the world, for the greatest good, it is evident that raw markets should be wide open. This is possible only under free trade. This, we contend, indicts the negative position for protection and further establishes the affirmative case.

The fourth principle is that free trade permits the natural and most advantageous movement of commodi-

ties. The natural movement of commodities is regulated according to Rufner and other noted economists, by supply and demand, the oldest and most substantial economic law, the operation of which is possible only under free trade. The fundamental law of supply and demand cannot be violated always by the producers of the world as is now the case, without dire results. This it is that has happened today and we urge that free trade by which supply and demand will function normally will more than any other thing regulate the trade of the world. We submit that the soundness of this fourth principle of free trade further strengthens the affirmative contention.

Now, ladies and gentlemen, I have proved in this careful analysis that free trade is sound in principle. With proof given to show that free trade is sound in its actual operation as it is in principle, then the strength of the free trade policy will be clearly established. I shall continue the analysis to show that free trade is fundamentally sound in its actual working.

The best and clearest way to prove that free trade is sound in operation is by giving actual examples. If anyone doubts the wisdom of free trade, it would be difficult to doubt it after the object lesson which Great Britain displayed under free trade, in spite of the fact that other nations had protection. It was through the wealth she had accumulated as the result of free trade, by the aid of her magnificent merchant marine which free trade had created and her ability to utilize the worldwide commercial connections formed under free trade; to draw upon the diversified source of supply which free trade had opened up, that England could hold steadfast in the World War. Her amazing financial strength and commercial vitality displayed during and directly after the war have been a testimonial to the soundness of her free trade policy that is beyond all question. The retaliatory tariffs of practically all nations since the war making Great Britain change her policy has almost wrecked her.

Germany adds another startling example of the benefits of free trade. The Napoleonic wars left a multitude of petty kingdoms not one of

which was self-sustaining. These states had tariff wars, restrictive trade policies that made it impossible for any state to prosper. Unrestricted trade intercourse in the Nineteenth Century led to prosperity in Prussian dominions. The one reason ascribed in world history today why Germany went to protective tariff was because the United States was practicing it—a retaliatory measure in effect. The force which drew Germany into effective national union was the demonstrated advantage of free commercial intercourse. We submit these examples as positive proof of the superiority of free trade in operation.

In pure politics the nations have given up their absolute sovereignty and independence. We have agreed not to go to war; not to act as judges in our own cause; to bring our disputes before some mediatory body. But in economics we are still in the state of international anarchy which led to the great war. Any nation has the unchallenged right to do any injury to a neighbor's trade. We submit that if it is important and necessary for the nations to regulate force and power or armaments, it is even more important to have a single standard for trade, which is more a breeder of war or a force for peace than any combination of causes.

We are so interdependent in economic life that measures adopted by one nation affect the prosperity of others. No nation can afford to exercise its sovereignty without consideration of its effect on others. National selfishness invites international retaliation. The World War caused chiefly by economic rivalry is positive proof of this. The units of the world's economy must work together or fail separately.

The great industrialists of the world, international financiers and leading authorities on economics and government are urging free trade. The International Chamber of Commerce, headed by Owen D. Young, stated in 1927 that the clearing away of obstacles and obstructions of tariffs were a necessity for world trade. In 1927 the World Economic Conference, composed of truly representative groups from the nations, urged that the time had come for us to move toward free trade. President Woodrow Wilson immediately

after the World War, with his keen foresight and wisdom, said that "Economic barriers should be removed and equality of trade conditions among all nations should be established."

By way of summary, ladies and gentlemen, I have presented the one issue in this debate whether or not free trade is a sound policy for the nations to adopt. I have, in a careful analysis, proved that every one of the principles of free trade is sound and vital to the successful accomplishment of trade among the nations. I have proved by practical examples, the strength of free trade in actual operation and have shown the strength of the consensus of opinion of the world for free trade. Since this analysis by authoritative evidence and facts show free trade is sound both in principle and in operation, we of the affirmative submit that free trade should be adopted by the nations. My colleague will continue the affirmative by comparing free trade with protective tariff, step by step, which will further establish that free trade should be adopted by the nations.

FIRST NEGATIVE.

Nan Stephen.

Mr. Chairman, Hon. Judges, Ladies and Gentlemen:

It is made clear in the statement of the question that there is only one issue for discussion whether or not the nations of the world should adopt a policy of free trade. It is on this single issue that we of the negative shall directly meet the affirmative.

Question.

In establishing the negative side of this important question, ladies and gentlemen, we may do so by any one of the following methods, according to debating rules, by showing the inherent defects of free trade which make it impossible of adoption or by offering and proving to your satisfaction a superior plan or by combining the two, proving the weaknesses of the affirmative plan and showing a better one.

After a careful survey of free trade and of the economic conditions of the different nations of the world, we of the negative propose to clearly establish the negative by

showing the inherent defects of free trade which make it impossible of adoption and by offering a better plan.

Let me make clear our position in the beginning of the discussion. We are just as eager to do away with ill will among the nations and bring peace and prosperity into realization as are the affirmative. We also recognize the need for international co-operation on trade relations. We do not advocate, in any sense, that the nations should have high tariff. Therefore our position in regard to world friendship and high tariffs are not debatable points. Our difference lies in the method by which the affirmative and negative would solve the problem of trade relationships between nations.

I shall carefully analyze free trade giving authoritative facts and examples to show wherein free trade would not be possible for adoption by pointing out its inherent weaknesses.

We, of the negative are fully aware that as a theory, free trade has much appeal to those who believe that it embodies world peace with goods and population moving among nations without artificial restraint which is admittedly a Utopian idea but, ladies and gentlemen, free trade ignores the actual facts and conditions of the world, such as national rivalry, racial prejudice, immigration laws, natural or acquired monopolies of raw materials, varying wages and standards of living, unbalanced wealth, difference in national character and the whole range of social and economic problems inherent in nations and the competitive system.

We find then in the very beginning that free trade presupposes unnatural conditions rather than the actual facts; that free trade depends on such conditions actually existing. Now, since it is well known that immigration laws are needed by nations, that national feeling is inherent, and that natural and acquired monopolies of raw materials exist where raw materials are found; that wage levels and living standards vary greatly in the different countries, we submit that free trade is clearly indicted.

But let us analyze free trade carefully. If free trade were actually put into operation, let us look at resulting conditions.

In the first place, we find that free trade causes the dumping of the cheap products of one nation on others. The proof is: from an official survey of trade policies, we find, "Free trade markets are dumping markets for surplus products of low wage, low level countries." A noted economist of Great Britain, Mackay Edgar says, "Great Britain under free trade was the most inveterate dumper of cheap products and in turn ruined her home markets and industrial population by having cheap products dumped on her."

We submit that dumping, a natural outcome of free trade shows a vital weakness of unrestricted trade.

Next, free trade not only leads to dumping, but also lowers the standards of living in a country. The proof is: from the survey of economists, if a nation has to compete with every other nation in products and materials which that nation produces, the price in that particular country must be as low as the product imported. Thus high wage nations would be compelled to compete with low wage countries. Since wages are about 80% of cost of production, the high wage nations would be compelled to bring their wage level down to meet the unrestrained competition, which would obviously lower the standards of living for the great masses. For example, the unskilled laborer in France receives 7½ cents per hour, in Brazil 12½ cent and in our country 40 cent. Skilled laborers 10½ cents, 21 cents and 65 cents. In other words, a laborer in the U. S. gets six times more per hour than he does in France for the same kind of work.

Furthermore, free trade prevents diversification. The proof is: From Tariff Reviews by Institute of Economists, Washington, March 1927, "since there is world-wide competition with no protection for any industry in any nation, it is evident that the old law of the survival of the fittest will be brought again into use. That since cheap labor from some country will make this product or that material so very cheap, the people of a nation can afford to raise only products to which they are best fitted and which they can produce cheapest, in order to meet this world competition.

Diversification has been emphasized as the best preparation for living

in both peace and war, not specialization, as our opponent urges. The twenty-four South American countries comparatively new in the industrial world cannot develop their many fields of industry, unless protected on an even basis from the long established industries of other countries. Therefore, to consider free trade by which diversification would be stifled, makes very evident another vital weakness of free trade.

Free trade would likewise ruin home markets. The proof is: Since Great Britain practiced free trade over a period of years, we can test this free trade theory best by its experience. From the Academy of Political Science, Vol. 9, page 159, we find that early in the 19th century under free trade, Great Britain started out to capture the markets of the world. She succeeded, but she also succeeded in wrecking the industrial stamina and morale of England. Under free trade Great Britain sacrificed her industrial population, and sapped the life-blood out of her wage-earners, until the whole industrial part of the country was anemic. Wages were low. Poverty was widespread. Her agriculture was neglected for the markets of the world as would be the case of all nations under free trade. England apparently prospered until 1914, when she found herself face to face with war. Then, she found that she had on the one hand an impoverished, industrial population, on the other a powerful enemy, England was forced to promise her wage-earners emancipation from starvation wages or they would not fight for the realm. In 1917 free trade England stood as General Haig expressed it, with her back to the wall. Then America, with her industrial and economic strength attained through protection came to the rescue and saved free trade England, Europe and Anglo-Saxon civilization. Should we be willing, ladies and gentlemen, to repeat the mistake of free trade England and have the nations sacrifice their home markets, domestic wage-earners, diversification, and high standards of living for the markets of the world in order to enact a free trade policy that wrecked the only nation that ever gave it a real trial. You will bear in mind that England today and all her colonies practice a protective trade policy.

By way of summary, ladies and gentlemen, I have shown that we are meeting the affirmative directly on the one issue of this debate, whether or not free trade should be adopted by the nations. I have already answered some of the main contentions of the first speaker. I have shown in a careful analysis of free trade by citing authority and facts in each case that free trade has inherent defects and grave weaknesses that make it impossible of adoption in that it permits and fosters dumping of cheap products; that it lowers the standards of living, that it prevents diversification and sacrifices home markets for the markets of the world.

My colleague will complete the negative case by presenting a superior plan and comparing it step by step with free trade in order to conclusively establish that free trade should not be adopted by the nations.

SECOND AFFIRMATIVE.

By Lee Thomas.

Mr. Chairman, Ladies, and Gentlemen:

My colleague has presented the one issue in this debate whether or not free trade should be adopted by the nations of the world. He has analyzed free trade carefully and has shown that it is sound in principle; he has proved that free trade is sound and successful in its application by giving examples of free trade in actual operation under, widely, varying circumstances.

I shall continue the affirmative argument of comparing free trade step by step with protective tariff to further establish that free trade should be adopted by the nations. In this comparison, I shall show my authority and examples that protected trade fails to meet even one of the principles of trade in theory or in practice.

My colleague has shown how free trade meets the first principle of all trade—the natural balance of imports and exports. This, it is not possible for protected trade to do. The proof is taken from actual examples. From the Bureau Statistics we find under free trade between the states of the U. S. we consume 9-10 of our products. Under free trade between

the 38 separate German states in the 19th century, the same thing was true. But on the other hand, under protection, in Europe today, each nation's goods are almost prohibitory in price for any other nation. Economists after making careful surveys state that if the European nations had free trade, they would consume at least 9-10 of their surplus. We submit that since free trade permits and fosters the natural balance of exports and imports and protected trade fails to do so, that free trade establishes its first main superiority.

Next, my colleague has shown wherein free trade develops foreign markets and has given facts and examples to prove this. But, protected trade does not meet this requirement. The proof is: Today, more than twelve years after the World War, we have world-wide economic depression and unemployment. Since this depression has reached world-wide proportions, it is natural to assume that there is a world-wide reason for this and, certainly that it would require a world-wide remedy. The World Economic Conference of 1927 composed not of politicians but of experts in economic condition after specific study of this problem, asserts that this general depression is due to protected trade which has closed in part or, wholly, foreign markets, to the different nations; this in turn has created lessened demand for products of each country and has resulted finally in the unemployment and depression of today. According to the history and statistics of economic conditions, today, the loss of foreign markets by every nation has been the result of a general protected trade policy.

We urge that since free trade develops foreign markets whereas we have shown protected trade does not and cannot, the negative argument for protection is indicted and the affirmative case for free trade is further established.

In the third place, my colleague showed that free trade throws open the cheapest raw markets of the world for all nations alike. This protected trade cannot do. With protection, raw markets are higher and even prohibitory which results in higher priced finished commodi-

ties, which higher price is borne by the consumer, the great mass of people.

From the compilation of International Tariffs, August 1930, Vol. 10, we find that as each country decides to protect an industry, some other country finds itself cut off from a portion of its foreign market and is consequently forced to strengthen protection in support of its own international payment balance. Thus, with protection the past century, actual experience proves that there can never be any realization of uniform protection but that the nations uniformly raise the walls of protected trade. You see, ladies and gentlemen, collective action in the interest of tariff disarmament appears just as much in order as conference about marine and land disarmament. We submit that since free trade opens the raw markets of the world to every nation alike, whereas protected trade cannot, that the superiority of free trade is clearly evident.

My colleague further showed that free trade permits the natural movement of commodities, that is, the functioning of the most substantial economic law, that of supply and demand. This is impossible under protected trade. The proof is: Protected trade sets up artificial regulation. From the Nation, November 1926, page 68, we find that in Europe as a whole, behind protected trade, new local industries have been started with no real economic foundation, which has resulted in the creation of artificial high prices thereby ignoring entirely the natural law of supply and demand. Expert economists of Austria, Belgium, Czechoslovakia, Denmark, France, Germany, Great Britain, Holland, Hungary and Italy placed on record in 1927 their united conviction that the establishment of economic freedom is the best hope of restoring the commerce and the credit of the world.

Protection limits by law the area within which free buying and selling may take place. It is a familiar fact that the determination of the particular commodities to be protected and the rate of duty in each case, have been largely influenced in every country by personal interest, log-rolling, wire-pulling, and

lobbying, rather than the natural law of supply and demand.

Senator Joseph Grundy of Pennsylvania boasted that he raised \$800,000 for Coolidge's campaign and one million for Hoover's; that this entitled him and other Pennsylvania manufactures to write any tariff schedule they desired.

Again, ladies and gentlemen, will you think for a moment on the primary purpose of protective tariff. It is a well known fact that protection was established to protect infant industries. The negative cannot argue that infant industries any longer need protecting.

But, in the U. S., for instance, Republican leadership ignoring the secure position of American industry in our home trade, cling to preconceived ideas of infant industries of narrow nationalism and exclusiveness. They would continue protection, breathing retaliation from other nations, at the request of inefficient plants owned by rich capitalists which are not economically justifiable. But President Hoover, not so well controlled gives forth this vital utterance, "International trade is the lifeblood of modern civilization. We submit that protected trade policies do not protect the industries in greatest need in the various countries. The proof is: In our farming industry of our 356,000,000 acres in cultivation, 329,000,000, that is all except 17,000,000 or 1-20 of it, experiences no protection but does experience tariff penalties. According to Sen. Tom Connally, Texas pay \$50,000,000 protective tariff, and cannot point out one benefit from this huge expenditure.

There remains one more phase of free trade and protection to be considered. Richard Cobden, the great economist of England, said, "Free trade is in its finer sense the breaking down of barriers of separate nations; those barriers behind which nestle the feelings of pride, revenge, hatred and jealousy, which every now and then break their bounds and deluge whole countries with blood, as was true of the late World War." But look at Washington today and what do we see? During the winter of 1929 and 1930, 26 nations protesting with vigor and retaliatory protection the new Amer-

ican tariff. Three years ago the leading bankers of the world signed a manifesto demanding that tariff walls cease; that the spectacle of each country going counter to a fundamental economic law and building barricades against the free movement of trade was meance to the peace of the world. With every protected trade policy, there is built up a wall of hatred, ill-will and distrust. In this ignoble competition, America, the land of liberty, with freedom of trade within her own borders takes the lead so far as the rest of the world is concerned. Just as limiting war armaments by the nations is accepted as a strong means of promoting peace and good will among the nations; so would the breaking down of trade barriers, the greatest breeder of wars, foster good will, do away with hatred and bring international peace to a fuller realization.

By way of summary, ladies and gentlemen, we of the affirmative have analyzed free trade carefully showing it is sound both in principle and practice. We have shown by a comparison step by step with protected trade by authoritative facts and examples that free trade meets every requirement of the principles of trade in both theory and operation in that free trade give natural balance of exports and imports, develops foreign markets, opens raw markets to all nations alike and permits the functioning of the natural law of supply and demand, but that protected trade fails to meet even one of these fundamental laws; that free trade means the greatest step toward international peace and prosperity; that protected trade stands for international misunderstanding and retaliation. We submit, therefore, the nations should adopt free trade.

SECOND NEGATIVE.

Cladene Madeley.

Mr. Chairman, Honorable Judges, Ladies and Gentlemen:

In order to clearly disprove the affirmative case, we of the negative shall continue to meet the affirmative directly on the one issue of this debate, whether or not the nations of the world should adopt a policy of free trade.

My colleague made a careful analysis of free trade by authori-

tative facts and examples which made very clear the inherent, irremediable weaknesses of free trade that make it impossible of adoption by the nations of the world.

Because of these obvious defects, we of the negative could not do other than condemn this free trade policy. But through our months of study on this interesting question, we believe a better policy presents itself for the nations—the policy of adequate protection. Right here, we wish to emphasize that we are not advocates any more than the affirmative are of high tariff and any argument advanced by the affirmative in regard to high tariff is not at all applicable to the debate since neither they nor we are upholding it.

By adequate protection we mean an import duty determined by costs of production at home and abroad. Since according to statistics, 80 to 90 per cent of the cost of production is paid out in wages for labor, the adequate protection becomes largely a matter of wages and protection for wage earners, that is, the great mass of population, who clearly should be the greatest beneficiaries of any trade policy. This indicts any argument that adequate protection as we advocate would benefit employers or capitalists.

I shall now compare "adequate protection" with the free trade policy step by step to show more clearly that adequate protection is a superior policy and that free trade should not be adopted.

In her constructive speech, my colleague showed as an inherent weakness of free trade that it permits and encourages dumping of products. Herein lies the first superiority of adequate protection. Adequate protection not only does not encourage but it prohibits dumping of products. As proof: with adequate protection, products produced by cheap labor in one country cannot be dumped on another whose wage level is high thereby ruining the home market and the wage scale of a nation because an import tax is placed on such products to equalize the costs of production in the two countries concerned. Thus adequate protection says, "You may bring your products into our country but a tax will be placed on them sufficient to raise the price to the

level of the home market." Even under our present tariff law, which is most certainly too high, we find that only competitive articles are taxed, while non-competitive articles come in free of duty. You see, clearly, then that adequate tariff would prevent dumping products made by cheap labor when a country produces exactly the same articles but cannot produce them as cheaply as another nation because of the difference in our wage scale. It is clear that the workers of the U. S., for example, could not without dire results compete on the same basis with the poorly paid Chinese, Japanese or Italian laborers. From statistics at Washington, we find that 65.2% of the total imports of U. S. are admitted absolutely free of duty. It is evident then that the adequate protection policy which the negative advocates should and would be to protect only the 33 or 34% of home products that have to meet competition. It is also evident that the tariffs of all nations lowered to adequate protection would prevent dumping. Nicholas Longworth says, "I cling to the belief that the American market is primarily for the the American producer and that unless he can have a firm foothold here, any effort to compete for the world market would come to naught." We submit that this first comparison wherein we see free trade would cause dumping and adequate tariffs would prevent dumping that adequate protection establishes its first main superiority.

Again, my colleague showed how free trade lowers the standard of living by lowering wages to meet world competition. The proof is: Under the list of nations with protection, we find Canada, Australia, the U. S., and many other peaceful, prosperous and cultural communities. On the other hand in England, the only nation that ever practiced free trade, who according to her leading economists has a never ending bread line, low wages, and low standards of living. Under her policy of free trade, cheap goods came in to such an extent that her markets were ruined and the wages dropped to the lowest level. We submit that since adequate protection prevents lowering of wages, whereas free trade permits and even demands cheapening of wages, that

adequate protection further establishes its superiority over free trade.

In the third place my colleague showed how free trade prevents diversification. But adequate protection encourages diversification. It is unnecessary to show the strength for diversification within a nation. It may be well, however, to bear in mind that leading statesmen and authorities on economics and government urge diversification in the most earnest manner. Today the U. S. produces 9-10 of the products it needs. Yet just as U. S., Canada, and Australia, for example, have put into practice diversification, free trade would come along and upset the whole economic system by flooding markets with cheap products of some other nation. Since free trade encourages and develops specialization which kills the diversification fostered by adequate protection, the affirmative case for free trade is further indicted.

Next, my colleague presented facts to show how free trade ruins home markets. But adequate protection does just what it sets out to—develops and protects home markets. With due respect to such people, big business men in the U. S. have invested in factories in Germany, Great Britain, Irish Free State, Cuba, Belgium, and Czechoslovakia nearly three billion dollars. Then, these big business men recognizing their influence urge free trade in order to profit by cheap production costs in competition with the home market. Such action is perfectly legal and is itemized as "Business is business." Yet we of the negative believe that this is a cold-blooded policy which sacrifices American labor and industry. Naturally, since big business could profit more by lower duties, urge free trade. The crime in this one phase alone is enough to condemn free trade policy. The U. S. is only one example. The markets of France, Canada, and Australia likewise would be sacrificed by such a free trade policy.

The prosperity of a nation is measured not by what it buys abroad but by what it consumes at home. This truth is proved by the fact that in the U. S. since the civil war, 80 to 90% of our merchandise has been produced and consumed at home.

If free trade is the only policy

which will stimulate exports, how does it happen that our exports increased from \$1,050,000,000 in 1897 to \$2,204,000,000 million in 1912, all under the policy of protection?

The men who founded the U. S. had no delusions as to free trade. They stood for protection as the foundation principle of prosperity in the building up of the nation. Washington and Jefferson urged protection, and Henry Clay, the idol of democracy away back in 1824, secured it. Lincoln said: "I do not know much about political economy but I do know that when you buy goods abroad, you have the goods but someone else has the money. When you buy goods at home, you have both the goods and the money."

When each nation protects its own industries not with high tariffs but with adequate protection, which in turn shall cause good wages and good living conditions for the great mass of its people, then only shall the nations come to the fullest understanding. That is, understanding built on the knowledge that all nations together and separately shall protect their own people by protecting their own industries.

To summarize the negative case, ladies and gentlemen, my colleague made a careful analysis of free trade by authority and facts which showed that free trade fails in every detail to give a satisfactory trade policy for the nations in, that it causes dumping of cheap products; lowers wages and standards of living; kills diversification and ruins home markets. I have compared free trade with an adequate protection policy and have shown the superiority of adequate protection in every separate and distinct comparison which further indicts the affirmative case for free trade and establishes the negative contention that free trade should not be adopted but that adequate protection is the superior plan.

House Bill No. 239.

The question recurred upon H. B. No. 239.

Senator Williamson sent up the following amendment:

Amend H. B. No. 239 as follows:

Amend Section 1, sub-section (a) of said Act, by changing period to comma and adding at the end of line 60 the following:

"and also shall be understood to mean Bexar County Canal and Conservancy District."

And amend sub-section (g) of said Section by changing period to comma and adding at the end of line 21 the following:

"and also to designate a navigable waterway to be provided in part by the natural bed and banks of the San Antonio River and/or its tributaries and by artificial streamways, locks, and other works and facilities as hereinbefore described in such manner as to make practicable, promote, aid and encourage navigation on said canal between San Antonio and an intersection of said canal with the Federal Costal Canal proposed to traverse San Antonio Bay and to other points to be reached by navigation through San Antonio Bay."

Amend Section 2 of said Act by inserting at the end of line 50 thereof the following:

"and does hereby create Bexar County Canal and Conservancy District, each of."

Amend Section 3 by striking out the first line of sub-section (a) thereof and inserting in lieu thereof the following, to-wit:

"The area of said Trinity River Canal and Conservancy District is hereby established to embrace the area within."

Further amend said Section 3 by adding at the end of sub-section (a) thereof the following, to-wit:

"The area of said Bexar County Canal and Conservancy District is hereby established to embrace the entire area within the boundaries of Bexar County, Texas. It is further provided that if and when the same may be determined, said District shall include all other defined areas of land acquired by, or placed under easement to, or controlled by this District."

Amend Section 3 by adding at the end of sub-section (b) thereof the following, to-wit:

"Each and all of the foregoing provisions of this sub-section (b) of this Act shall be fully applicable to and operative in and with respect to Bexar County Canal and Conservancy District, save and except that the pre-election directors of this District shall call the election herein provided for within a period of two years next after the effective date

of this Act, and the directors of this District shall be residents of Bexar County, Texas, and the deposit of \$2,000.00 herein provided for shall be made only with the County Clerk of Bexar County, Texas, and paid out by said Clerk as herein provided."

Amend Section 4 of said Act by adding at the end of sub-section (g) thereof the following, to-wit:

"Said Bexar County Canal and Conservancy District shall have all the powers described and granted in this Section 4 of this Act with respect to the natural bed and banks of the San Antonio River and its tributaries, and with respect to said San Antonio River, as is herein granted said Trinity River Canal and Conservancy District with respect to the Trinity River, its natural bed and banks and tributaries, in like manner and to the same extent as hereinbefore granted said Trinity River Canal and Conservancy District."

Amend Section 6 of said Act by adding at the end of said sub-section (d) thereof the following, to-wit:

"Each and all the foregoing provisions shall be fully applicable with respect to Bexar County Canal and Conservancy District and each and all the rights and powers by this Act and by Section 6 thereof granted said Trinity River Canal and Conservancy District are hereby given and granted Bexar County Canal and Conservancy District, save and except that the pre-election directors of said Bexar County Canal and Conservancy District shall be the members of the Commissioners' Court for the time being of Bexar County, Texas, who are hereby created such pre-election directors and fully empowered to act as such."

Amend sub-section (a) of Section 7 of said Act by striking out said sub-section as contained therein and inserting in lieu thereof the following, to-wit:

"(a) In order to effect those objects to be accomplished hereunder prior to the end of the preliminary period of this District as established by this Act, but not to control for any greater time, and to be in lieu the right to issue preliminary bonds under the powers of said Chapter 25 the Board of Directors of this District hereby are authorized, but only if approved by affirmative majority

vote as provided in sub-section (b) of Section 3 of this Act, to levy, assess and collect an ad valorem tax (to be known as a preliminary tax) the year 1931 and each succeeding year thereafter until the year next succeeding the end of said preliminary period (but not for a year subsequent to the year 1935, unless said limit be extended by a favoring vote a majority of the electors of said District, who may vote thereon) which tax shall be at such a rate of levy as may be required to accomplish the purposes of this Act, but not in any event to exceed two (2) cents on each One Hundred (\$100.00) Dollars of the value of all property situated within, or assessable for taxation within, said District, as the same may be assessed and equalized for State and county purposes. It is expressly prohibited that either of said Districts during its preliminary period (or thereafter, save after an authorizing vote of the electors) may create obligations other than such as may be paid out of the taxes levied for any current taxing year, and it is expressly prohibited that either of said Districts shall apply any of its funds realized from taxation or otherwise to the payment of any debt or obligation incurred, or for any service or services rendered said District, or in the creation or organization thereof, save and except the refund and repayment of the deposits for election provided for in Section 3 of this Act."

Amend Section 13, sub-section (a), of said Act by inserting after the words "Dallas and Tarrant Counties" in line 16 the following, to-wit:

"and upon the waters of San Antonio River to serve the established commercial centers in Bexar County."

WILLIAMSON.

The amendment was read.

Senator Rawlings raised the point of order that the amendment was not germane.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senator Parrish sent up the following amendment:

Amend House Bill 329, page 15, line 58, by adding at the end of said line after the word "year", the following:

"Provided no such tax shall be

levied unless and until the Federal Government shall have fully approved the project of the navigation of the Trinity River provided for herein, and unless and until the question of the levy of said tax shall, after said approval by the Federal Government, have been submitted to a vote of the electors of said district and approved by a majority of said electors."

PARRISH.

The amendment was read.

Senator Purl raised the point of order that the amendment was not germane.

The Chair overruled the point of order.

Senator Purl moved to table the amendment. The motion prevailed.

Senator Martin sent up the following amendment:

Amend House Bill 239, page 9, lines 54, 55 and 56 by striking out the following words, beginning at line 54, namely:

"And the levy of a preliminary tax not to exceed two cents on each One Hundred (\$100.00 Dollars of assessed values", and adding following the word "District" in line 57 the following: "Provided; no such election shall be held unless and until the Federal Government shall approve the project of the navigation of the Trinity River provided for herein."

MARTIN.

The amendment was read.

Senator Purl raised the point of order that the effect of this amendment was the same as that of the amendment by Senator Parrish, which had just been tabled.

The Chair overruled the point of order holding that this amendment embodied more than the previous amendment.

On motion of Senator Purl, the amendment was tabled.

Senator Holbrook sent up the following amendment:

Amend H. B. 239 by adding at the end of line 58, page 15, of the advance print of this bill, the following: "Provided that no taxes shall be levied, assessed or collected, until it is voted by the people."

HOLBROOK.

Read and, on motion of Senator Purl, tabled.

Senator Holbrook sent up the following amendment:

Amend H. B. 239 by striking out of line 39, page 18 of the advance printed bill, the word "either" and by striking out of line 40, page 18, of the advance printed bill, the following: "or beyond".

HOLBROOK.

The amendment was read.

On motion of Senator Woodward, the previous question was ordered on the amendment and the bill.

The amendment was lost by the following vote:

Yeas—6.

DeBerry.	Martin.
Holbrook.	Parr.
Loy.	Parrish.

Nays—21.

Beck.	Purl.
Berkeley.	Rawlings.
Cousins.	Russek.
Cunningham.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Hardin.	Williamson.
Hornsby.	Woodruff.
Moore.	Woodul.
Oneal.	Woodward.
Patton.	

Absent.

Hopkins.	Poage.
Neal.	

Absent—Excused.

Pollard.

The Chair laid before the Senate the following amendments which were sent up before the previous question was ordered:

Amend H. B. 239 by striking out the advance printed bill all of Section 12, page 19 of this bill.

HOLBROOK.

Read and lost by the following vote:

Yeas—6.

DeBerry.	Moore.
Holbrook.	Parrish.
Martin.	Woodul.

Nays—21.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.

Williamson. Woodward.
Woodruff.

Absent.

Hopkins. Poage.
Neal.

Absent—Excused.

Pollard.

Amend House Bill 239, page 12, line 56, by adding after the word "adopted", the following:

"Provided, however, that no taxes shall be levied, no bonds issued, and no obligations created unless and until the Federal Government shall fully approve the project of the navigation of the Trinity River provided for herein."

MOORE.

Read and lost.

The bill was passed to third reading.

On motion of Senator Purl, the constitutional rule requiring bills to be read on three several days was suspended and H. B. 239 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent.

Poage.

Absent—Excused.

Pollard.

Read third time and finally passed by the following vote:

Yeas—22.

Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
Gainer.	Patton.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hornsby.	Small.

Stevenson. Woodruff.
Thomason. Woodul.
Williamson. Woodward.

Nays—6.

DeBerry.	Martin.
Hopkins.	Neal.
Loy.	Oneal.

Absent.

Poage.

(Pairs Recorded.)

Senator Beck (present) who would vote nay, with Senator Pollard (absent) who would vote yea.

REASON FOR VOTE.

I vote nay on H. B. 239 for the reason we are trying to get the Federal Government to build a Dam near Denison in my District and as Dallas is so close we feel if the Government goes in to the Dallas project first, we won't have any chance to get our project at Denison.

LOY.

REASON FOR VOTE.

My reason for voting nay on H. B. 239 is that the people of my district, in large numbers, have asked that I oppose it on the grounds that it will affect adversely their interests.

NEAL.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, May 8, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 39 by a vote of 108 yeas and 0 nays.

The House has concurred in Senate amendments to H. B. No. 943 by a vote of 108 yeas and 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 8, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 382, A bill to be entitled "An Act to amend Article 6228 of Title 109 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

(With amendments.)

S. B. No. 68, A bill to be entitled "An Act saving amendments from limitation, and declaring an emergency."

(With amendments.)

The House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on Senate Bill No. 72. The following are conferees on the part of the House:

Lonard, Pope, West of Cameron, Davis and Keller.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Simple Resolution No. 141.

Senator Woodward sent up the following resolution:

Whereas: Charles Smith, J. B. McCord, Weldon Allen, Elwood Brewer and J. W. Quinn, Jr., members of the Senior Class of the Coleman High School, are in the city as delegates to the Interscholastic League Press Conference as representatives of high school publications; and,

Whereas, These young men are now within the bar of the Senate.

Therefore, be it

Resolved That they be accorded the privileges of the floor of the Senate.

WOODWARD.

Read and adopted.

Simple Resolution No. 142.

Senator Parr sent up the following resolution:

Whereas, Sixteen years ago today, the Texas, Senate, by simple resolution, complimented Senator T. H. McGregor, then a member of the Texas Senate and now a member of the House, on the arrival, by the Stork route, of a baby girl at his house, and christened the little lady "Miss Texas"; and

Whereas, This same "Miss Texas," Miss Marietta McGregor, is today 16 years old and is an honor student graduating from the Austin High this month and is the only girl to be

elected president of the Student Council of the High School; now

Therefore, The Texas Senate congratulates Miss Marietta McGregor, or "Miss Texas," on this, her sixteenth birthday, on her own accomplishments, and wish for her, in the future, the greatest usefulness and happiness.

PARR,
HORNSBY.

Read and adopted.

Simple Resolution No. 143.

The Chair laid before the Senate the following resolution:

Whereas, On Friday, May 8, 1931, an all-wise Providence, in the exercise of His unerring wisdom, called to its rich and well-earned reward, the spirit of Honorable E. P. Curtis, the able and beloved President of the National Order of Railway Conductors, who at all times espoused the cause of the laboring classes and suffering humanity. No man enjoyed the public confidence in a higher degree nor more amply repaid that confidence by an upright, honorable and highly useful life, in which he ably and faithfully discharged every trust reposed in him; and,

Whereas, Aside from the irreparable loss sustained by his family and great host of friends, the State of Texas has lost a distinguished and valuable citizen; therefore, be it

Resolved That this resolution be passed out of respect to his memory and that the Secretary of the Senate be instructed to forward a copy of same to his family.

WITT,
LOY,
HARDIN,
HORNSBY,
MARTIN.

Read and adopted unanimously by a rising vote.

H. C. R. No. 46.

Senator Holbrook called up from the table:

H. C. R. No. 46, Relating to sine die adjournment.

Senator Hornsby sent up the following amendment:

Amend H. C. R. No. 46 by striking out the words and figures "May 22, 1931" and insert in lieu thereof, the words and figures "May 12, 1931."

HORNSBY.

The amendment was read.

On motion of Senator Holbrook, the amendment was tabled.

Senator Beck moved to lay the resolution on the table subject to call. The motion prevailed by the following vote:

Yeas—16.

Beck.	Patton.
Gainer.	Poage.
Hardin.	Purl.
Hornsby.	Rawlings.
Loy.	Russek.
Moore.	Thomason.
Neal.	Williamson.
Parrish.	Woodward.

Nays—13.

Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Small.
DeBerry.	Stevenson.
Holbrook.	Woodruff.
Hopkins.	Woodul.
Martin.	

Absent.

Greer.

Absent—Excused.

Pollard.

Conference Committee Report.

Senator Oneal sent up the following Conference Committee report:

Committee Room,

Austin, Texas, May 7, 1931.

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your Conference Committee on Senate Bill No. 311, appointed to adjust the differences between the House and the Senate on same, beg leave to report that we have agreed upon the differences between the two Houses and recommend the following bill to be adopted:

A BILL

To Be Entitled

An Act to amend Article 7324 of the Revised Civil Statutes of 1925, providing for collectors of taxes to mail notices of tax delinquencies to record owners of lands and lots situated in the County, showing amount of taxes delinquent on said property; and providing for delivering of copies of said notices to County Attorneys; and provid-

ing that upon payment of delinquent taxes, the Collector of Taxes shall issue receipts for such payments; and to amend Article 7330 of the Revised Civil Statutes, 1925, providing the time when taxes shall become due, and when they become delinquent, and providing a penalty for non-payment of said taxes, and for interest upon said taxes; and providing for the making up of triplicate lists of lands and lots on which taxes are delinquent and for presenting said lists to the Commissioner's Court for examination and correction, and for said Court's approving said list, and for filing said list with the County Clerk and for filing said list with the Comptroller of Public Accounts and retaining and preserving one by the Collector of Taxes; and providing that the rolls and books in the Collector's office and the list of assessment rolls or books shall become prima facie evidence that the requirements of law have been complied with as to the regularity of listing, assessing, levying of taxes therein mentioned and reporting as delinquent any real estate whatsoever, and that the amount alleged is a true and correct charge; and providing that the inventories of the tax assessor's office shall be admissible as evidence of the description of the property; and further providing that the Comptroller of Public Accounts shall prescribe forms for tax rolls and for receipts, reports and other forms to be used by the assessors and collectors of taxes; and providing that all laws in conflict with this Act are repealed, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7324 of the Revised Civil Statutes, 1925, be and the same is hereby amended so as hereafter to read as follows:

"Article 7324: During the month of July each year, or so soon thereafter as practicable, the collector of taxes in each county of this State shall mail to the tax roll address of each owner of any lands or lots situated in the county a notice showing the amount of taxes delinquent or past due and unpaid against all such lands and lots as shown

by the delinquent tax record of the county on file in the office of the tax collector, a duplicate of which shall also have been filed in the office of the Comptroller of the State and approved by such office, but failure to send or receive such notice shall be no defense to a suit brought for taxes. Such notice shall also contain a brief description of the lands and lots appearing delinquent and the various sums or amounts due against such lands and lots for each year they as appear to be delinquent, according to such records, and it shall also recite that unless the owner of such lots of land described therein shall pay to the tax collector the amount of taxes, interest, penalties and costs set forth in such notice within thirty days from the date of such notice, that the county or district attorney will institute suits for the collection of such moneys and for the foreclosure of the constitutional lien against such lands and lots. Each tax collector, as soon after mailing such notice as practicable, shall furnish to the county or district attorney duplicates of all such notices mailed to the tax payers in accordance with the provisions of this law, and also lists of lands and lots located in the county appearing on the delinquent tax records in the name of "unknown" or "unknown owners", or in the name of persons whose correct address or place of residence in or out of the county said collector is unable by the use of diligence to discover or ascertain, against which taxes are delinquent, past due, and unpaid, and such lists or statements shall show the amount of State and County Taxes delinquent, past due, and unpaid against each such tract or lot of land for each year they appear to be delinquent according to the delinquent tax records of the county, and shall likewise contain a brief description of all such lands and lots. The tax collector shall furnish on demand of any person, firm or corporation like statements with reference to any particular lot or tract of land for whatever purpose desired, which shall be in all instances certified by him with the seal of his office attached. Whenever any person, or persons, firm or corporation shall pay to the tax collector all the taxes, interest, penalties and costs shown by the delinquent tax records of the county to

be due and unpaid against any tract, lot or parcel of land for all the years for which taxes may be shown to be due and unpaid, prior to the institution of suit for the collection thereof, the tax collector shall issue to such person or persons, firm or corporation, a receipt covering such payment as is now required by law."

Provided that if the House Bill No. 331, pending in the Senate, becomes a law, then the provisions of this Article 7324, so far as they may conflict with said law, shall be controlled by the provisions of said law.

Sec. 2. That Article 7336 of the Revised Civil Statutes, State of Texas, (revision of 1925) be and the same is hereby amended so as to hereafter to read as follows:

"Article 7336: That if any person shall pay on or before November 30th next succeeding the return of the assessment rolls of the County to the Comptroller of Public Accounts one-half of the taxes imposed by law on him or his property, then he shall have until and including the 30th day of the succeeding June within which to pay the other one-half of his said taxes without penalty or interest thereon during said time.

If said taxpayer after paying said one-half of his taxes on or before November 30th, as hereinbefore provided, shall fail or refuse to pay on or before June 30th next succeeding said November, the other one-half of his said taxes, a penalty of ten per centum on the amount of said unpaid taxes shall accrue thereon.

If any person fails to pay one-half of the taxes imposed by law upon him or his property on or before the 30th day of November next succeeding the return of the assessment rolls of the County to the Comptroller of Public Accounts then unless he pays all of the taxes imposed by law on him or his property on or before 31st day of the succeeding January, a penalty of ten per centum on all of said taxes shall accrue thereon.

Provided that if any person fails to pay all the poll taxes imposed by law upon him until after the thirty-first day of January next succeeding the return of the assessment rolls of the county to the Comptroller, a penalty of ten per centum of such taxes shall accrue thereon.

All taxes affected by this Article shall bear interest at the rate of six per centum per annum from the date a penalty accrue thereon.

All penalties provided in this Act, shall, when collected, be paid to the State and the County, and to the districts, if any, in proportion to the taxes upon which the penalties are collected.

The collector of taxes shall, as of the first day of July of each year for which any state and county taxes for the preceeding year remain unpaid, make up a list of the lands and lots on which any taxes for such preceeding years are delinquent, charging against the same all unpaid taxes and penalties assessed against the owner thereof.

Said list shall be made in triplicate and shall be presented to the commissioners court for examination and correction of any errors that may appear, and when so examined and corrected by the commissioners court such lists in triplicate shall be approved by said court, and one copy thereof shall be filed with the county clerk, and one copy retained and preserved by the collector and one copy forwarded to the Comptroller with his annual settlement reports. Such lists as furnished by the tax collector and corrected by the commissioners court, and the rolls or books on file in the collector's office, or either said list or assessment rolls or books, shall be prima facie evidence that all the requirements of the law have been complied with by the officers of courts charged with any duty thereunder as to regularity of listing, assessing, levying all taxes therein mentioned and reporting as delinquent any real estate whatsoever, and that the amount alleged against said real estate is a true and correct charge; and, in cases in which the description of the real estate in said list or assessment rolls or books is not sufficient to identify the same, and of which property there is a sufficient description in the inventories of the Assessor's office, then said inventories shall be admissible as evidence of the description of said property."

Sec. 3: It shall be the duty of the Comptroller of Public Accounts to prescribe such forms for tax rolls

to be used by the county tax assessors as may make it convenient for the collectors of taxes to note thereon the payment of taxes under the semi-annual installment payments provided for in this Act; and to prescribe such forms for receipts, and reports and such other forms for the use of the collectors of taxes as in his opinion may be advisable. This provision is cumulative of all other provisions of the Statutes of the State prescribing the duties of the Comptroller of Public Accounts.

Sec. 4. No taxes now delinquent shall be in any way affected by this Act but shall remain due and delinquent until paid with the penalty thereon and bear interest the same as if this Act had not been enacted. And this Act shall in no way affect the Act enacted by this the 42nd Legislature, known as said Senate Bill No. 8, but the taxes for the year 1930 affected by said Senate Bill No. 8 shall continue to bear interest and be subject to the penalty provided in said Senate Bill No. 8 as if this Act had not been enacted.

Sec. 5. All laws in conflict herewith are hereby repealed.

Sec. 6. The fact that the Assessors of Taxes of the State should have forms prescribed by the Comptroller to prepare their assessment rolls for the taxes of the year 1931 and the fact that the Comptroller of Public Accounts should have authority to prescribe these forms in time for the assessment rolls to be made up by the Assessor of Taxes during the summer of 1931 in order that the Tax Collectors may be able properly to credit payments of the semi-annual installments of taxes on said rolls under the provision of this Act creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

ONEAL,
PARRISH,
WOODWARD,
POAGE,
DeBERRY.

On part of the Senate.

**MOFFETT,
LOCKHART,
DeWOLFE,
JOHNSON of Dimmit,
STEVENSON,**
On part of the House.

Read and adopted by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

House Bill No. 312.

The question recurred upon the pending amendment to the amendment to H. B. No. 312.

House Bill No. 355.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 355, A bill to be entitled "An Act to amend Article 3914, Revised Civil Statutes, 1925, relating to fees collected by the Secretary of State, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Loy the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 355 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hopkins.
Cunningham.	Hornsby.
DeBerry.	Loy.
Gainer.	Martin.
Greer.	Moore.

Neal.	Russek.
Oneal.	Small.
Parr.	Stevenson.
Parrish.	Thomason.
Patton.	Williamson.
Poage.	Woodruff.
Purl.	Woodul.
Rawlings.	Woodward.

Absent—Excused.

Pollard.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

House Bill No. 81.

The Chair laid before the Senate by unanimous consent the following bill:

By Mr. Bond:

H. B. No. 81, A bill to be entitled "An Act amending Chapter 17 of the Thirty-ninth Legislature, page 44, also amending Articles 5160, 5161, 5162, 5163, and 5164, Revised Civil Statutes of the State of Texas for 1925, providing that anyone contracting with the State of Texas, or its counties, or school districts, or other subdivisions or any municipality for the construction of public buildings or the prosecution and completion of any public work, they shall return at least 50 per cent of the funds that may become due and owing on the contract until final completion of such contract; also providing that laborers, materialmen and those furnishing equipment shall have a lien, and also providing for security to be furnished by contractors, also providing that accounts for materials and labor shall be filed procedure for

the enforcement of claims and liens, time to sue, prorating claims, and declaring an emergency."

The committee substitute was adopted.

Committee amendments to the Committee substitute were adopted.

Senator Woodward sent up the following amendments:

Amend the caption of H. B. No. 81 as amended by the committee, by inserting before the words: "and declaring an emergency" the following: "Repealing Chapter 17, Acts of the Thirty-ninth Legislature, Regular Session."

WOODWARD.

Read and adopted.

Amend Committee Substitute for H. B. No. 81 by adding at the end of Section 6 the following: "Chapter 17, Acts of the Regular Session of the Thirty-ninth Legislature, is expressly repealed."

WOODWARD.

Read and adopted.

The following amendments were sent up to be printed in the Journal:

Amendment No. 3.

Amend Committee Substitute for H. B. No. 81 by adding at the end of line 22, subdivision F, after the word "made" the following:

"Providing that if no such claim is filed within ninety (90) days, the failure to file the same shall not preclude such claimant from recovering against the surety company or from foreclosing lien on funds impounded, if he prosecutes his cause of action as provided herein. Provided further, however, that all claimants filing their account within ninety (90) days shall be preferred over those not doing so."

WOODWARD.

Amend C. S. H. B. No. 81 in Section 1, page 2, subdivision G, line 33, by adding after the word "contractor" the following: "Provided further that when claims are filed against a subcontractor, notice of such filing shall in such manner be given to the original contractor."

HORNSBY.

Amend C. S. H. B. No. 81 in subdivision F, line 26, by striking out the word "and" between the word

"submitted" and "affidavits" and substituting therefor the word "or."

HORNSBY.

Read and adopted.

Amend C. S. H. B. No. 81 by adding to subsection G the following: "Provided notice of claims filed against sub contractor shall be given to the contractor."

SMALL.

Amend C. S. H. B. No. 81, line 42, by striking out the following: "save and except one-fifth of the cost thereof may be recovered on said bond."

SMALL.

Amend C. S. H. B. No. 81, line 37, by striking out the words "whether actually used or not."

SMALL.

On motion of Senator Woodward, the bill was set as special order for Monday morning immediately following the morning call.

House Bill No. 453.

The Chair laid before the Senate by unanimous consent, the following bill:

By Mr. Reader and Mr. Sherrill:
H. B. No. 453, A bill to be entitled "An Act to amend Acts of 1927, Fortieth Legislature, First Called Session, page 131, Chapter 42, Section 2, providing for the appointment of three additional members of the State Board of Health; prescribing the qualifications of such additional members; providing the terms of office fixing their compensation, and declaring an emergency."

The committee amendments was adopted.

The bill was read second time.

Senator Beck sent up the following amendment:

Amend House Bill No. 453, page 2, Section 1, by striking out, after line 22, the following: "The State Health Officer shall be a member ex officio of the Board, but shall not have the right to vote. The Board shall elect a Chairman among the nine members of the Board, who shall serve for a period of two years, or until a successor is elected."; and inserting in lieu thereof the following: "The State Health Officer shall be a member ex officio, and shall act

as Chairman of the Board of Health, but shall have no right to vote."

BECK.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 453 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—1.

DeBerry.

Absent—Excused.

Pollard.

House Bill No. 195.

The Chair laid before the Senate

by unanimous consent the following bill:

By Mr. McGill:

H. B. No. 195, A bill to be entitled "An Act making it unlawful for any person, association, firm or corporation to execute and deliver, knowingly, any deed, mortgage, deed of trust, or other instrument in writing, purporting to convey any land or interest in land, to any other person, association, firm or corporation, when such person, association, firm or corporation is not the owner of, or has no interest in such land, and for any person, association, firm or corporation, to knowingly receive and tender for record any such deed, mortgage, deed of trust, or other instrument in writing; providing a penalty for the violation of this Act, and declaring an emergency."

Read second time.

Senator Stevenson raised the point of order that a quorum was lacking. The roll call showed 21 present.

On motion of Senator Berkeley the bill was laid on the table subject to call.

House Bill No. 592.

The Chair laid before the Senate by unanimous consent the following bill:

By Mr. Davis:

H. B. No. 595, A bill to be entitled "An Act to amend Article 3269 of the Revised Civil Statutes of 1925, providing for procedure and practice in suits against those having the right of eminent domain for property, damages to property, or injunction, and declaring an emergency."

The committee amendments were adopted.

The bill was read second time and passed to third reading.

On motion of Senator Cunningham, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 592 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Greer.
Berkeley.	Hardin.
Cousins.	Holbrook.
Cunningham.	Hopkins.
DeBerry.	Hornsby.
Gainer.	Loy.

Martin.	Rawlings.
Moore.	Russek.
Neal.	Small.
Oneal.	Stevenson.
Parr.	Thomason.
Parrish.	Williamson.
Patton.	Woodruff.
Poage.	Woodul.
Purl.	Woodward.

Absent—Excused.

Pollard.

Read third time and finally passed
by the following vote:

Yeas—26.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

Nays—3.

DeBerry.	Purl.
Poage.	

Present—Not Voting.

Oneal.

Absent—Excused.

Pollard.

House Bill No. 812.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 812, A bill to be entitled "An Act repealing Chapter 42, Acts of the First Called Session of the Thirty-seventh Legislature (the same known as the Davidson Road Law), for the violation thereof, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 812 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Read third time and finally passed.

Notice of Intent.

Senator Hopkins gave notice that Monday morning immediately following the morning call he would call up the motion spread on the Journal to print H. B. No. 225 on minority report.

Recess.

On motion of Senator Woodward, the Senate, at 5:48 o'clock p. m., recessed until 10 o'clock tomorrow morning.

APPENDIX.

Committee on Enrolled Bills.

Committee Room.

Austin, Texas, May 8, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 393 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room.

Austin, Texas, May 8, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. 539 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, May 8, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 46 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, May 8, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 172, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, May 8, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 521 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, May 7, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 484 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, May 8, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 619 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, May 8, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to who was referred

S. B. No. 620, A bill to be entitled "An Act to amend Article 351 of the Revised Civil Statutes of 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, May 8, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 251, A bill to be entitled "An Act to amend Article 7047, Revised Statutes of Texas, 1925, providing for the levy of occupation taxes, on, and the collection from, persons, firms, associations of persons, and corporations, pursuing the several occupations enumerated herein; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass with committee amendments.

MOORE, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 251 by striking out all below the enacting clause and by substituting in lieu thereof the following:

'Section 1. That Subdivision 4, of Article 7047, of the Revised Civil Statutes of 1925, be, and the same is, hereby amended so as to hereafter read as follows:

(a) There shall be collected from peddlers an occupation or license tax from each according to the population of the counties in which he peddles, according to the last Federal Census, as follows:

From foot peddlers, which shall include those on horseback; animal drawn vehicles, which shall include all vehicles except motor vehicles; from peddlers peddling on or from motor vehicles, the following tax:

Population—	Animal Motor	
	Foot Vehicle	Vehicle
1-30,000	\$ 5.00	\$ 7.50
30,001-100,000	10.00	17.50
100,001 and over.....	15.00	22.50

(b) Every peddler defined above shall pay said tax annually on or before September 1st of each year to the Tax Collector of each County in which he peddles, and a receipt shall be issued therefor, and said Collector shall issue a license plate to be furnished by the Comptroller

in the same manner that license plates are issued for motor vehicles and the same fees of office shall be allowed said Collector; which said plate shall be securely fastened to said peddler's vehicle, on the driver's side. A separate tax shall be paid for each vehicle or instrumentality defined above which said peddler operates and peddles from, and the Comptroller shall adopt rules and regulations for the enforcement hereof. Nothing herein shall be construed to inhibit any city or town regulating, licensing or taxing peddlers.

(c) The term 'peddler' as used herein means an itinerant trader or peddler in town or in country who carries his merchandise with him from place to place or from house to house, exposing his or his principal's goods or wares for sale, and who then and there sells and delivers them to other persons or dealers; provided, however, that the term 'peddler' shall not be held to include:

(1) Producers and growers of farm, dairy, poultry, poultry products, fruits, vegetables, live stock, animals, meats, or any horticultural or agricultural products, or,

(2) Persons who sell any of the products mentioned in the section immediately preceding to manufacturers, processors, or curing or dressing plants, or,

(3) Peddlers of literature, newspapers and periodicals, or,

(4) Manufacturers distributing or selling products manufactured by them.

(d) If any peddler shall:

(1) Knowingly sell any goods or products which are deteriorated, contaminated, infected, or otherwise unfit for human consumption or use, if the same be a food products, or otherwise unfit for the purpose for which the same is sold, or,

(2) Sell any goods or products of less weight than the same are represented to be, or that are paid for, or, which have been stolen, or,

(3) Be convicted during any year of twice violating any ordinance or State law regulating the operation or use of any such vehicle upon the highways of this State, or the violation of any health or sanitary ordinance or statute in peddling, or,

(4) Knowingly give a worthless check to or otherwise swindle any farmer or other producer or person

from whom he purchases, and the giving of any worthless check shall be prima facie evidence of his knowledge of the worthlessness thereof,

the license of said peddler shall be forfeited upon ten (10) days' written notice by registered mail to the address given by said peddler by the Comptroller, or County Tax Collector, upon a hearing whereat it is proven that it is established that said peddler has violated any one of the foregoing provisions; provided that said forfeiture shall not become effective until three (3) days after notice by said Collector that the same will be forfeited, and, if the same is sought to be wrongfully forfeited, the same may be enjoined by a competent court of equity, and said license or tax receipt and plate shall be surrendered, or re-possessioned by any peace officer or patrolman. The County and District Attorney shall enforce the provisions hereof. The sum of \$2500.00, or so much as is necessary, is hereby appropriated out of said funds to the Comptroller for plates, stationery, and other necessary expenses.

(e) If any person for himself or as representative or agent or another shall act as peddler, as defined herein, without having a valid license and having paid the tax as provided herein, he shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not exceeding One Hundred (\$100.00) Dollars, or by confinement in the county jail not exceeding thirty (30) days, or by both such fine and imprisonment, and the County or District Attorney, or Attorney General may enjoin any such person from peddling in violation of the provisions hereof.

"Sec. 2. The fact that itinerant peddlers, many of whom are non-residents of this State, are establishing themselves in direct competition to local merchants, farmers, and producers who pay taxes and who warrant their goods and products, whereas, such peddlers pay no taxes and are usually transients who sell an inferior quality of fruits and other products to the consumer or retailer, whereas, no recourse may be had by such person upon whom the fraud is perpetrated; the fact that many peddlers are swindling farmers and other innocent persons by giving worthless checks for such goods and products; the fact that

such professional peddlers are constantly violating traffic regulations, fire regulations, and sanitary regulations; the fact that the present regulation of peddlers is obsolete, and the fact that the Federal Government regulates other peddlers similar to those attempted to be regulated by this bill, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

Committee Amendment No. 2.

Amend H. B. No. 251 by striking out all above the enacting clause and by substituting in lieu thereof the following:

By Holder. H. B. No. 251.

A BILL

To Be Entitled

An Act to amend Subdivision 4, of Article 7047, imposing an occupation or license tax on peddlers; providing the means, manner and time of collection thereof and making certain exceptions and exemptions; prescribing definitions and measures; providing for the issuance of licenses and for the forfeiture of same; prescribing offenses, fines and punishment; making an appropriation; providing generally for the enforcement hereof; and declaring an emergency.

Committee Amendment No. 3.

Amend Committee Amendment No. 3 to H. B. No. 251, page 2 of the typewritten amendment, by adding to Sub-division (c), between the words "literature" and "magazines", the word "medicines".

Committee Amendment No. 4.

Amend Committee Amendment No. 2 to H. B. No. 251, page 2 of the typewritten amendment, Sub-division "c", by adding a new Sub-division (5), as follows:

"Manufacturers, their agents and representatives, distributing, or selling products manufactured by them."

Committee Amendment No. 5.

Amend Committee Amendment No. 2 to H. B. No. 251, page 2 of the typewritten amendment by adding a new Sub-section, to be known as (6), as follows:

(6) The provisions of this act applying to peddlers tax or license shall refer to and include itinerate photographers, that is photographers who have no fixed place of residence in any given place in which to take photographs, but travel from place to place taking photographs.

Committee Room,

Austin, Texas, May 7, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

H. B. No. 718, A bill to be entitled "An Act to amend Section 5 of Article 8307 Title 130 of the Revised Civil Statutes of 1925 and Acts of the 40th Legislature, Chapter 223, 1927, commonly known and referred to as the Workman's Compensation Act, providing that the Industrial Accident Board shall furnish upon request of any interested party, a certified copy of the employers notice of becoming a subscriber, which shall be admissible in evidence in any Court and be prima facie proof of all the facts stated in such notice; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

LOY, Chairman.

Committee Room,

Austin, Texas, May 7, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

H. B. No. 718, A bill to be entitled "An Act to amend Section 5 of Article 8307 Title 130 of the Revised Civil Statutes of 1925 and Acts of the 40th Legislature, Chapter 223, 1927, commonly known and referred to as the Workman's Compensation Act, providing that the Industrial Accident Board shall furnish upon request of any interested party, a certified copy of the employers notice of becoming a subscriber, which shall be admissible in evi-

dence in any Court and be prima facie proof of all the facts stated in such notice; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

LOY, Chairman.

By Holland.

H. B. No. 718.

A BILL

To Be Entitled

An Act to amend Section 5 of Article 8307, Title 130 of the Revised Civil Statutes of 1925, and Acts of the 40th Legislature, Chapter 223, 1927, commonly known and referred to as the Workman's Compensation Act, providing that the Industrial Accident Board shall furnish upon request of any interested party, a certified copy of the employers notice of becoming a subscriber, which shall be admissible in evidence in any Court and be prima facie proof of all the facts stated in such notice; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 5 of Article 8307, Title 130 of the Revised Civil Statutes of the State of Texas of 1925, and Acts of the 40th Legislature, Chapter 223, Page 328, 1927; be and the same is hereby amended so as to hereafter read as follows:

"Sec. 5. All questions arising under this law, if not settled by agreement of the parties interested therein and within the provisions of this law, shall, except as otherwise provided, be determined by the Board. Any interest party who is not willing and does not consent to abide by the final ruling and decision of said Board shall within twenty (20) days after the rendition of said final ruling and decision by said Board, file with said Board notice that he will not abide by said final ruling and decision. And he shall within twenty (20) days after giving such notice bring suit in the county where the injury occurred to set aside said final ruling and decision and said Board shall proceed no further toward the adjustment of such claim, other than hereinafter provided. Whenever such suit

is brought, the rights and liability of the parties thereto shall be determined by the provision of this law and the suit of the injured employe or person suing on account of the death of such employe shall be against the association if the employer of such injured or deceased employe at the time of such injury or death was a subscriber as defined in this law. If the final order of the Board against the association, then the association and not the employer shall bring suit to set aside said final ruling and decision of the Board, if it so desires, and the Court shall in either event determine the issues in such cause instead of the Board upon trial de nova and the burden of proof shall be upon the party claiming compensation. The Industrial Accident Board shall furnish to any interested party in said claim pending before the Board or in Court upon request, free of charge, with a certified copy of the notice of the employer becoming a subscriber, and the Insurance Company filed with the Board and the same when properly certified to by the said Board shall be admissible in evidence in any Court in this State upon trial of such claim therein pending and shall be prima facie proof of all facts stated in such notice in the trial of said cause unless same is denied under oath by the opposing party therein. In case of recovery the same shall not exceed the maximum compensation allowed under the provisions of this law. If any party to any such final ruling and decision of the Board, after having given notice as above provided, fails within said twenty (20) days to institute and prosecute a suit to set the same aside, then said final ruling and decision shall be binding upon all parties thereto, and, if the same is against the association, it shall at once comply with such final ruling and decision, and failing to do so the Board shall certify the fact to the Commissioner of Insurance and such certificate shall be sufficient cause to justify said Commissioner to revoke or forfeit the license or permit of such association to do business in Texas."

Sec. 2. The fact that the present law is inadequate and necessarily works a hardship and injustice on the injured employe in those cases

where he takes legal appeal to a Court of competent jurisdiction that such injured employe is compelled to plead and prove that there had been issued and was in force and effect a policy of compensation on the date of said injury, and said policy covered the said injury, creates an emergency and imperatives public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended and that this Act take effect and be in force and effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 7, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 737, A bill to be entitled "An Act amending Article 1019 and 1027 of 1925 Code of Criminal Procedure, providing that no costs shall be paid by the State where the defendant is indicted for a felony and his punishment assessed by a fine or imprisonment in jail or convicted of a misdemeanor, and that all costs thus incurred shall be taxed and collected as in misdemeanor cases. Also providing that all officers shall return to the State Treasurer a sum of money equal to the amount he received from the State in such cases, and their bondsmen shall be liable for such sum; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

SMALL, Chairman.

By Bond.

H. B. No. 737.

A BILL

To Be Entitled

An Act amending Article 1019 and Article 1027 of 1925 Code of Criminal Procedure, providing that no costs shall be paid by the State where the defendant is indicted for a felony and his punishment assessed by a fine or imprison-

ment in jail or convicted of a misdemeanor and that all costs thus incurred shall be taxed and collected as, in misdemeanor cases. Also providing that all officers shall return to the State Treasurer a sum of money equal to the amount he received from the State in such cases and their bondsmen shall be liable for such sum and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1019 and Article 1027 of 1925 Code of Criminal Procedure be amended so as to hereafter read as follows:

Article 1019. If the defendant is indicted for a felony and upon conviction his punishment is by fine or confinement in the county jail, or by both such fine and confinement in the county jail or convicted of a misdemeanor, no costs shall be paid by the State to any officer. All costs in such cases shall be taxed, assessed and collected as in misdemeanor cases.

Article 1027. In all cases where the defendant is indicted for a felony and shall be finally convicted of a misdemeanor or when his punishment is assessed by a fine or county jail sentence or by both such fine and jail sentence, the Sheriff, District Clerk, Constable, and Justice of Peace shall, each return to the State Treasurer a sum of money equal to the amount he received from the State in such case and the bondmen of each of such officers shall be responsible to the State for such sum.

Sec. 2. The fact that the law, as it now is, does not adequately protect the State from the payment of large sums of money in cases where the costs should be taxed, assessed and collected as in misdemeanor cases, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days be suspended, same is hereby suspended and this Act take effect immediately upon final passage and it is so enacted.

In Memory
of
Col. A. T. McKinney

Simple Resolution Number 140.

Senator Patton sent up the following resolution:

Whereas, on yesterday, May 7th, A. D. 1931, Col. A. T. McKinney of Huntsville, Walker county, Texas, who served as a member of the House of Representatives for sixteen years, also served the State in the official capacity as district judge, district attorney and was of the members of the Constitutional Convention of 1876 and the last survivor, was called to his eternal reward; and

Whereas, For half a century he had lived in Walker county, and had rendered outstanding service as a private citizen and a public official; and

Whereas, He served with honor as a Confederate soldier during the period of the Civil War, and exemplified in his long and useful life his ideals for which he and his comrades stood; and

Whereas, the members of this body are deeply grieved over the passing of this useful citizen and former member of the House of Representatives and sympathize with his friends and the members of his family; now, therefore, be it

Resolved by the Senate of the Forty-second Legislature, That we extend our most sincere and deepest sympathy in this sad hour, that a copy of this resolution be spread on the Journal of the Senate, that a copy be furnished the family of the deceased and to the press, and that, when we adjourn today, it be in honor of his memory.

Patton, Holbrook, Woodul, Thomason, Beck, Berkeley, Cousins, Cunningham, DeBerry, Gainer, Greer, Hardin, Hopkins, Hornsby, Loy, Martin, Moore, Neal, Oneal, Parr, Parrish, Poage, Pollard, Purl, Rawlings, Russek, Small, Stevenson, Williamson, Woodruff, Woodward.

Read and adopted unanimously.